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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,099	08/01/2003	Duane S. Taylor	60046.0048US01	3190
53377	7590	12/02/2005	EXAMINER	
THE HOPE LAW FIRM			BROWN, MICHAEL J	
P.O. BOX 2825			ART UNIT	
ATLANTA, GA 30301			PAPER NUMBER	

2116

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,099	TAYLOR, DUANE S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael J. Brown	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received..

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numbers mentioned in specification 52A-52E are not represented in the drawings. Also reference number 64 and 55 in the drawings are not represented in the specifications. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Nunn et al. (US PGPub 2003/0233535).

As to claim 1, Nunn et al. discloses a method for maintaining a boot order (see paragraph 0018, line 2) of one or more mass storage devices (Devices 150A-C, see Fig. 1) within a computer system (system 100, see Fig. 1), the method comprising determining prior to attempting an initial program load of the computer system whether a configuration change to the computer system was made since a previous boot of the computer system that would effect the boot order of the mass storage devices within the computer system (see paragraph 0023, lines 3-8), and in response to determining that a configuration change was made that would effect the boot order, rearranging the boot order of the mass storage devices so that the mass storage devices are booted in the order used prior to the configuration change (see paragraph 0022).

As to claim 2, Nunn et al. discloses the method wherein the configuration change comprises removing a one of the one or more mass storage devices from the computer system and wherein rearranging the boot order of the mass storage devices comprises removing the removed mass storage device from the boot order (see paragraph 0021, lines 10-14 and paragraph 0022, lines 3-7).

As to claim 3, Nunn et al. discloses the method wherein the configuration change comprises adding a mass storage device to the computer system and wherein rearranging the boot order of the mass storage devices comprises placing the added mass storage device at the end of the boot order (see paragraph 0022, lines 16-19).

As to claim 4, Nunn et al. discloses the method further comprising in response to determining that a configuration change was made that would effect the boot order storing a data structure (entry, see paragraph 0020, line 3) in a non volatile memory (non-volatile memory, see paragraph 0020 lines 2-3) of the computer system prior to performing a boot of the computer, the data structure including a unique identifier for each mass storage device and the location of each mass storage device within the rearranged boot order(see paragraph 0020, lines 3-6).

As to claim 5, Nunn et al. discloses the method wherein rearranging the boot order of the mass storage devices comprises identifying a previous location in the boot order for each mass storage device in the computer system by locating a unique identifier in the previously stored data structure matching the mass storage device (see paragraph 0028), and rearranging the location in the current boot order for each mass storage device so that each device retains the same relative position in the boot order as the previous location(see paragraph 0028).

As to claim 6, Nunn et al. discloses a computer-readable medium (memory 130, see Fig. 1) having computer-executable instructions (BIOS 140, see Fig. 1) stored thereon, the instructions operative to provide the method stated in previous claims when executed by a computer (system 100, see Fig. 1).

As to claim 7, Nunn et al. discloses a computer-controlled apparatus (processor 110, see Fig. 1) operative to perform the method stated in previous claims.

As to claim 8, Nunn et al. discloses a method for maintaining a boot order (see paragraph 0018, line 2) that defines the order in which a computer system (system 100,

see Fig. 1) attempts to perform an initial program load from one or more mass storage devices (Devices 150A-C, see Fig. 1) within the computer system, the method comprising identifying each mass storage device currently in the system that was also installed at a previous boot of the system (see paragraph 0023, lines 3-8). Nunn also discloses determining the location of each mass storage device currently in the system in a boot order used during the previous boot by utilizing data stored at the previous boot (see paragraph 0023, lines 3-8), and arranging a current boot priority for each device currently in the system that was also installed at the previous boot so that the mass storage devices currently in the system are in the same order as they were during the previous boot (see paragraph 0022). Nunn further discloses identifying each device currently in the system that was not installed at the previous boot based on the data stored at the previous boot (see paragraph 0022, lines 1-3), and assigning a boot priority to each mass storage device currently in the system that was not installed at the previous boot at the end of the boot order (see paragraph 0022, lines 16-19).

As to claim 9, Nunn et al. discloses the method wherein the data stored at the previous boot comprises data that uniquely identifies each mass storage device and provides the boot priority of each mass storage device in the previous boot order (see paragraph 0028).

As to claim 10, Nunn et al. discloses the method wherein the data stored at the previous boot is stored in a non-volatile memory (non-volatile memory, see paragraph 0020 lines 2-3) of the computer system after the current boot order has been determined (see paragraph 0020, lines 3-6).

As to claim 11, Nunn et al. discloses a computer-readable medium (memory 130, see Fig. 1) having computer-executable instructions (BIOS 140, see Fig. 1) stored thereon, the instructions operative to provide the method stated in previous claims when executed by a computer (system 100, see Fig. 1).

As to claim 12, Nunn et al. discloses a computer-controlled apparatus (processor 110, see Fig. 1) operative to perform the method stated in previous claims.

As to claim 13, Nunn et al. discloses a computer system (system 100, see Fig. 1) operative to attempt an initial program load from one or mass storage devices (Devices 150A-C, see Fig. 1) according to a defined boot order (see paragraph 0018, line 2), the computer system comprising a central processing unit (processor 110, see Fig. 1), and the one or more mass storage devices. Nunn further discloses a non-volatile memory (non-volatile memory, see paragraph 0020 lines 2-3) storing a basic input/output system (BIOS 140, see Fig. 1)) executable on the central processing unit, the BIOS operative to provide a facility for specifying the boot order, to determining prior to attempting an initial program load of the computer system whether a configuration change to the computer system was made since a previous boot of the computer system that would effect the boot order (see paragraph 0023, lines 3-8), and, in response to determining that a configuration change was made that would effect the boot order, to rearrange the boot order of the mass storage devices so that the mass storage devices are booted in the order used prior to the configuration change(see paragraph 0022).

As to claim 14, Nunn et al. discloses the computer system wherein the BIOS is further operative to store data (entry, see paragraph 0020, line 3) in the non volatile

memory, the data including a unique identifier for each mass storage device and the location of each mass storage device within the rearranged boot order (see paragraph 0020, lines 3-6).

As to claim 15, Nunn et al. discloses the computer system wherein the BIOS is operative to store the data in the non-volatile memory prior to a boot of the computer system (see paragraph 0020, lines 1-3 and paragraph 0021, lines 1-3).

As to claim 16, Nunn et al. discloses the computer system wherein rearranging the boot order of the mass storage devices comprises identifying a previous location in the boot order for each mass storage device in the computer system by locating a unique identifier in the previously stored data matching the mass storage device (see paragraph 0028), and rearranging the location in the current boot order for each mass storage device so that each device retains the same relative position in the boot order as the previous location(see paragraph 0028).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (571)272-5932. The examiner can normally be reached on Monday-Friday from 7:00am to 3:30pm(EST).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIRS) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2116

Status information for unpublished applications are available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Michael J. Brown  
Art Unit 2116

  
**LYNNE H. BROWNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**